Application/Control Number: 10/812,108 Docket No.:
Art Unit: 3683 BA/Div App

APPLICANTS' RESPONSE TO 03/15/05 NON-FINAL OFFICE ACTION

1. 35 USC §112 Rejections

In the March 15, 2005 Non-Final Office Action ("3/15/05 OA"), the Examiner rejected the pending claims as indefinite under 28 USC §112. See 3/15/05 OA, ¶¶ 1-3, at p. 2. The typographical errors pointed out by the Examiner in claim 17 have been corrected and the Applicant trusts this rejection is overcome

2. 35 USC §102 Rejections

In the 3/15/05 OA, the Examiner rejected the pending claims under 35 U.S.C. §102 as being anticipated by several U.S. patents. Each prior art patent is discussed separately below.

a. **US Patent # 6,718,964 to Graf**

The Examiner argued that figures 1-2, 6 and 7 of Graf show an "elastomeric vibration damper 17 with fins between the flutes 31." See 3/15/05 OA, ¶ 5, at p. 2. The Applicant responds by noting that the "spring rods 19" of Graf are not "fins", as claimed here. Graf's spring rods 19 are separate parts from the "damping element 17". The spring rods 19 are made of "a durable, hard material such as steel" (see Graf, Col. 4:48-50), and the spring rods fit in "flutes" in the damping element 17. Id., Col. 4:33-37.

The pending independent claim 17 recites a damper with fins, all of which is made of "an elastomeric material". To highlight

this distinction, Applicant has amended claim 17 to recite "vibration damper formed of ~~an~~ a single piece of elastomeric material". Applicant respectfully submits that the single-piece damper claimed here is patentably distinguishable from the Graf patent, which discloses a damping element 17 with separate, metal spring rods 19.

b. US Patent # 6,526,957 to Leven

The Examiner argues that Leven shows an "elastomeric vibration damper 6 with fins 6". See 3/15/05 OA, ¶ 6, at pp. 2-3. Applicant responds that the damper of Leven lacks the "cylindrical, ring-shaped base with an inner, cylindrical surface" claimed here. Applicant's invention is designed to fit over a "cylindrical projection" extending from an archery bow (see Specification, "Detailed Description of the Invention, at p. 10:14-20), and the independent claim 17 recites this ("the inner, cylindrical ring surface fits over the cylindrical projection of the archery bow ~~box~~").

The Leven patent never discloses fins. The Examiner directs attention to Figure 2 of the Leven patent and to an undated Internet Web page with a photo of the "Doinker™" product, which shows stubby ribs. Applicant responds that the ribs of Leven do not anticipate the fins taught by Applicant. To highlight the distinction, Applicant has amended the claim to emphasize that the claimed "fins" project significantly from the "ring-shaped

base", by defining a "a radius from the axis to the inner, cylindrical ring surface", then adding the following limitation:

> wherein the distance between the proximal end and the distal end of the fins is at least as great as the radius

In light of this amendment, and in light of the fact that Leven does not disclose a vibration damper with a "cylindrical, ring-shaped base with an inner, cylindrical surface", Applicant respectfully submits that claim 17 is in a condition for allowance.

c. US Patent Nos. 6,802,307 to Leven, 6,298,842 to Sims, 2,925,263 to Bly, and JP 6-144,324 to Eli Maeda

As noted by the Examiner, U.S. Patent No. 6,802,307 to Leven was filed after the priority date for Applicant's patent application, and, therefore Leven "is not available as prior art". See 3/15/05 OA, ¶ 8, at p. 3. The Examiner states that the "prior art cited in Leven (307) has been considered", but does not identify any prior art as relevant to this application or the rejections in the Office Action.

The Examiner states that Sims "discloses an elastomeric vibration damper", but does not argue that the mushroom-shaped damper of Sims has any bearing on the cylindrical, finned damper of the present application. See 3/15/05 OA, ¶ 9, at p. 3.

The Examiner notes that Bly shows a "damper D with radiating

fins in Fig. 3" See 3/15/05 OA, ¶ 10, at p. 3. Bly discloses an automobile shock absorber (see Bly, Col. 1:15-17), with "a series of longitudinally extending reinforcing ribs 15" to "stiffen the wall portion 8 of the sleeve". Id., Col. 2:46-53. The shock absorber of Bly, which is a metal, no vibrating construction, has no relevance to this application.

The Examiner argues that Maeda "discloses an elastomeric damper with radiating fins 18 in Fig. 1, 4." See 3/15/05 OA, ¶ 11, at p. 3. In response, Applicant first notes that Maeda discloses a bracket to hold a "handle cover" to a bicycle, and this device has no relevance to Applicant's archery bow vibration damper. Moreover, Applicant respectfully submits that the Examiner has mis-read Maeda. Maeda does not disclose "an elastomeric damper with radiating fins 18". The translation of the Maeda patent does *not* state that "ribs 18" or "boss part 17" or the "cylindrical part 19" are made of an elastomeric material; rather, the Maeda patent states that the "rubber cushion 12" is made of rubber. The rubber cushion 12 of Maeda is a separate part. Thus, the Maeda patent has no relevance to the present invention.

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CONCLUSION

In view of the amendments and arguments set forth above, Applicant respectfully submits that the pending claims are in a condition for allowance.

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